

Message Text

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C O N F I D E N T I A L MOSCOW 8674

E.O. 11652 GDS

TAGS: PLOS

SUBJ: LOS MEETING WITH DEPUTY MINISTER OF MERCHANT MARINE

1. SUMMARY: AMBASSADOR JOHN NORTON MOORE AND EMBOFF CALLED ON SOVIET DEPUTY MINISTER OF MERCHANT MARINE TIKHONOV ON JUNE 18 FOR USEFUL EXCHANGE OF VIEWS ON LOS ISSUES. THE DISCUSSION DEALT IN GENERAL TERMS WITH MARINE POLLUTION AND SCIENTIFIC RESEARCH ISSUES. TIKHONOV FOCUSED ON QUESTIONS OF PROTECTION OF NAVIGATIONAL FREEDOM AND SUPPORT FOR MAXIMUM FREEDOM OF THE SEAS FOR SCIENTIFIC RESEARCH. THE ONLY POINT OF SIGNIFICANT DIFFERENCE CONCERNED THE SOVIET VIEW ON PORT STATE ENFORCEMENT JURISDICTION OVER POLLUTING VESSELS. END SUMMARY.

2. FOLLOWING A BRIEF ENDORSEMENT OF THE SINGLE TEXT IN COMMITTEES II AND III AS A SOUND BASIS FOR FURTHER NEGOTIATIONS, TIKHONOV HOMED IN ON THE COMMITTEE III AREA, ESPECIALLY QUESTIONS OF JURISDICTION. HE OPPOSED ARTICLE 20, PARAGRAPH 6, ON "SPECIAL AREAS" AND INITIALLY
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DISAGREED WITH THE WORDING ON THE RIGHTS OF COASTAL

STATES TO SET STANDARDS FOR SHIPS OPERATING IN THEIR TERRITORIAL WATER. HE ALSO SUGGESTED THAT THE FLAG STATE SHOULD BE NOTIFIED BEFORE ANY ACTION IS TAKEN AGAINST ITS SHIP AS IS PROVIDED FOR IN BILATERAL CONSULAR AND SHIPPING CONVENTIONS TO WHICH THE USSR IS A PARTY. THE SINGLE TEXT ALSO DOES NOT SPECIFY THAT THE AREA OF THE ECONOMIC ZONE IS HIGH SEAS, SAID TIKHONOV, AND ASSERTED THAT THE REFERENCE TO AN "EXCLUSIVE" ECONOMIC ZONE IS NOT ACCEPTABLE TO THE SOVIET UNION. THE USE OF THAT TERM IMPLIES THAT A COASTAL STATE HAS TOO MANY RIGHTS IN THE ZONE AND ONCE SUCH RIGHTS ARE ALLOWED, THE CONSEQUENCES CANNOT BE FORESEEN, HE WENT ON. ON SCIENTIFIC RESEARCH, THE DISTINCTION BETWEEN FUNDAMENTAL AND NON-FUNDAMENTAL RESEARCH MAY BE UNTENABLE, SAID TIKHONOV, SINCE SCIENTISTS OFTEN CANNOT TELL WHAT THEIR STUDIES WILL PRODUCE. IF COASTAL STATES ARE ALLOWED TO OBJECT TO RESEARCH IN THEIR ZONES (AN APPARENT REFERENCE TO ARTICLE 19 OF SINGLE TEXT), MOSCOW FEARS THAT THEY WILL EXERCISE THAT RIGHT, SAID TIKHONOV.

3. AMBASSADOR MOORE POINTED OUT THAT U.S. HAD NOT COMPLETED ITS REVIEW OF THE SINGLE TEXT. IN GENERAL TERMS, HOWEVER, HE WENT OVER WITH THE SOVIETS SEVERAL ITEMS IN THE SINGLE TEXT OF RELEVANCE TO COMMITTEE III WITH WHICH THE U.S. HAD PARTICULAR PROBLEMS, SUCH AS CHAPTER 6, PARAGRAPHS 4, 5 AND 6 ON "SPECIAL AREAS." MOORE ALSO STRESSED THE NEEDS TO PRESERVE COASTAL STATE POLLUTION CONTROL JURISDICTION FOR SHIPS IN INNOCENT PASSAGE IN THE TERRITORIAL SEA (OUTSIDE OF STRAITS) SUBJECT, OF COURSE, TO A GENERAL PROVISION PROTECTING THE RIGHT OF INNOCENT PASSAGE. AFTER A BRIEF DISCUSSION THE SOVIETS SAID THEY HAD NO PROBLEM WITH THIS. ON DUMPING, BOTH SIDES AGREED THAT THE WORDING WORKED OUT IN 1973 IN LONDON SHOULD BE RETAINED AND MADE A PART OF THE TEXT AND THAT DUMPING JURISDICTION SHOULD BE LIMITED TO 200 MILES. ON "SOVEREIGN IMMUNITY," SOVIETS SAID THAT THE TEXT WAS ACCEPTABLE BUT THEY COULD AGREE TO ADD "AIRCRAFT" AS SUGGESTED BY THE U.S. THEY WOULD PREFER FOR POLITICAL REASONS TO AVOID A DEBATE ON THE TANZANIAN-CUBAN ALTERNATIVE, WHICH THEY COULD NOT SUPPORT. MOORE POINTED OUT THAT ARTICLE 45, PARAGRAPHS C2 AND D

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COMPLETELY PREJUDICED OTHER COMMITTEE II FACTORS (AS WELL AS ARTICLES 49 AND 71 OF THE SINGLE TEXT). THE SOVIETS SUGGESTED RETURNING TO THE EVENSEN WORDING ON ARTICLE 45 AND AGREED TO DELETION OF ARTICLES 49 AND 71 ON SCIENTIFIC RESEARCH. IN CONNECTION WITH COASTAL STATE JURISDICTION, MOORE ALSO POINTED OUT THAT PROTECTION OF NAVIGATION WOULD BE HELPED BY A CLEAR MECHANISM FOR DISPUTE SETTLEMENT INCLUDING A PROVISION FOR QUICK

RELEASE OF VESSELS.

4. THE SOVIETS AGREED THAT A DEEP SEABED REGIME SHOULD NOT COVER RESEARCH, AND IN THIS RESPECT BOTH THE COMMITTEE I AND III TEXTS WOULD NEED TO BE CHANGED. MOORE EMPHASIZED THE IMPORTANCE OF PROTECTING SCIENTIFIC RESEARCH, STRESSED THAT WE WERE NOT DEALING WITH DRILLING ON THE SHELF WHICH WILL BE CLEARLY UNDER COASTAL STATE JURISDICTION, AND URGED THE U.S. APPROACH FOR RESEARCH AS OPPOSED TO EXPLORATION FOR RESOURCES.

5. SEVERAL TIMES MOORE PARTICULARLY STRESSED THE IMPORTANCE OF A STRONG PORT STATE ENFORCEMENT SYSTEM WITH NO AREA LIMITATIONS OR RIGHT OF FLAG STATE PREEMPTION. THE SOVIETS RETURNED TO THIS QUESTION OF PORT STATE JURISDICTION STRENUOUSLY URGING THAT THE FLAG STATE MUST HAVE PRIMARY RESPONSIBILITY. THIKHONOV THEN DEMONSTRATED HIS DESK-TOP COMPUTER WHICH REPORTS INSTANTLY THE LOCATION AND PLANS FOR EVERY SOVIET MERCHANT SHIP IN THE WORLD. MOSCOW EXERCISES COMPLETE SOVEREIGNTY AND COMPLETE CONTROL OVER ALL OF ITS SHIPS, STRESSED TIKHONOV, AND CANNOT ACCEPT THAT ANOTHER STATE WOULD HAVE THE RIGHT TO SEIZE AND HOLD SOVIET SHIPS. FROM THE DISCUSSION, HOWEVER, IT IS CLEAR THAT THE SOVIETS HAVE BEGUN ACCEPTANCE OF A PORT STATE SYSTEM AND THE ISSUE IS THE SCOPE AND OUTLINES OF THE SYSTEM.
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